IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	**8:09CR245**
Plaintiff,	)	
	)	
vs.	)	**ORDER**
	)	
GERALD WILLIAMS and	)	
JUDITH WILLIAMS,	)	
	)	
Defendants.	)	

This matter is before the court on the motion to continue by defendant Gerald Williams (Williams) (Filing No. 50). Williams seeks a continuance of the trial of this matter which is scheduled for June 1, 2010. Williams' counsel has represented to the court that Williams will submit an affidavit wherein Williams represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Williams' counsel represents that government's counsel and counsel for Judith Williams have no objection to the motion. Upon consideration, the motion will be granted as to both defendants.

IT IS ORDERED:

1.   Williams' motion to continue trial (Filing No. 50) is granted.

2.   Trial of this matter is re-scheduled for **September 7, 2010,** before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 20, 2010 and September 7, 2010,** shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 20th day of May, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge